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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 ROBERT TUNSTALL,

9 Petitioner, No. CIV S-04-2658 RRB JFM P

10 vs.

11 TERESA A. SCHWARTZ, et al.,

12 Respondents. ORDER

13 _____ /
14 Petitioner has requested the appointment of counsel. There currently exists no
15 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
16 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
17 any stage of the case “if the interests of justice so require.” See Rule 8C, Fed. R. Governing
18 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
19 served by the appointment of counsel at the present time.

20 Accordingly, IT IS HEREBY ORDERED that petitioner’s December 19, 2007
21 motion for appointment of counsel is denied without prejudice.

22 DATED: January 17, 2008.

23 
24 John F. Marshall
25 UNITED STATES MAGISTRATE JUDGE
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